IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWO

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 3708 of 2002

Between:

Dr. T. Suryanarayana Civil Asst,. Surgeon, ESI., Dispensary,
Vijayawada (West), Krishna District.

..... PETITIONER

AND

1 The Superintendent of Police,
Khammam District, Khammam.
2 The District Collector,
Khammam District, Khammam.
3 The Dist. Tribal Welfare Officer,
Khammam District, Khammam.
4 The Secretary to Govt. of A.P.
Women Development Child Welfare & Disabled Welfare Dept., Secretariat,
Hyderabad.
5 The Director General of Police, Government of Andhra Pradesh,
Hyderabad.
6 The Project Officer, Integrated Tribal Development Agency (ITDA)
Bhadrachalam, Khammam District.
7 The Commissioner, Social Welfare Department,
Secretariat, Hyderabad.
8 The Member Secretary,
Ashram School, Somulagudem,
Bhadrachalam Division, Khammam District.
9 The Director of Tribal Welfate, Telugu Samkshama Bhavan,
Masab Tank, Hyderabad.

10 The Director, Women Development & Child Welfare,
8-3-222, Vengalarao Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction, or a writ, more particularly one in the nature of Writ of Mandamus: calling for the records and remarks from the respondents herein to and connected to: (i) Sexual exploitation of tribal girl by name Ramullamma, resident of Maddula gudem Village in Bhadrachalam division, student of VII class in the Ashram School in Somulagudem Village in the hands of one sarveshwar Rao, the Ashram school warden whom the minor girl had accused of having forced her to yield, resulting birth to a baby boy at 11AM on the night of 16-2-2002; (ii) to direct the authorities concerned to make a through investigation and take action against the culprit; (iii) to direct the authorities concerned to rehabilitate and to help for studies of the minor girl; and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:TAKEN UP

Counsel for the Respondent Nos.1,2,5: . G.P. for Home

Counsel for the Respondent Nos. 3,4,6 to 10: G.P. for Social Welfare

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Dr. T. Suryanarayana, Civil Assistant Surgeon, ESI Dispensary, (West) Vijayawada,

Krishna District, sent a letter to the Court along with some paper clippings with a prayer to save the ego and life of the innocent, ignorant and illiterate Tribal girl, Ramulamma of Maddulagudem Village, Bhadrachalam Division, Khammam District. It was treated as taken up petition.

Rule Nisi was issued on 27.2.2002.

Sri V.V.Srinivasa Rao, Superintendent of Police, Khammam District has filed counter affidavit narrating the facts as regards the incident in question. It is stated that on 27.12.2001, the statement of the victim girl was recorded under Section 164 Cr.P.C. by the Mandal Magistrate, Kunavaram before whom the victim girl revealed the names. Suspects were stated to have been ultimately arrested on 15.2.2002 and were remanded to judicial custody. It is stated that on 16.2.2002, victim girl had delivered male child at her residence and both the mother (Victim girl) and child were shifted to Area Community Hospital, Bhadrachalam. It is stated that D.N.A. test was got conducted to determine the parental dispute. But, when counter affidavit was filed by the Superintendent of Police, Khammam, report of DNA test was awaiting. Further report after 17.4.2002 is not available.

Considering the facts and circumstances of the case, we dispose of the writ petition with a direction to the respondents that in case, on conclusion of investigation, report has not been filed or investigation has not been conducted, it will be duly completed and based on the report of DNA test, further action will be initiated as per law. No costs.

_____ DEVINDER GUPTA, CJ

Date: 6th December, 2004

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M. NARAYANA REDDY, J

Pnb

To

1 The Superintendent of Police,
Khammam District, Khammam.
2 The District Collector,
Khammam District, Khammam.
3 The Dist. Tribal Welfare Officer,
Khammam District, Khammam.

4 The Secretary to Govt. of A.P.
Women Development Child Welfare & Disabled Welfare Dept.,

Secretariat, Hyderabad.
5 The Director General of Police, Government of Andhra Pradesh,
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6 The Project Officer, Integrated Tribal Development Agency (ITDA)
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9 The Director of Tribal Welfate, Telugu Samkshama Bhavan,
Masab Tank, Hyderabad.
10 The Director, Women Development & Child Welfare,
8-3-222, Vengalarao Nagar, Hyderabad.

11 Two C.Cs. to the Government Pleader for Home, High Court Buildings

Hyderbad. (OUT)

12 Two Ccs. to the Government Pleader for Social Welfare, High court

Buildings, Hyderabad. (OUT)

13 Two C.D. copies